

**REMARKS**

Reconsideration of the above-identified application, as amended, is respectfully requested.

As a preliminary matter, the undersigned applicants' attorney respectfully thanks the Examiner for responding to the undersigned's inquiry in the teleconference of June 24, 2004 as to the whether the prior amendment submitted with the response of April 26, 2004, would be entered for purposes of appeal. During this teleconference, the Examiner indicated that the prior amendment would not be entered for purposes of appeal. However, the Examiner expressed willingness to entertain a further amendment that would further limit what was meant by visually and visual observation limitations that were added to the independent Claims 1, 24 and 41 in applicants' prior response of April 26, 2004. As part of this teleconference, the status of Claim 16 dependent upon independent Claim 1 was discussed. Claim 16 sets forth subject matter that further limits the claimed recitation of Claim 1 directed to the fulfillment of a condition including means enabling a sender of a communicated package to visually observe a user requesting access to content at said destination location, the condition including sender identification of the intended recipient (a user) by visual observation. Specifically, Claim 16 set forth the enabling means as including a video camera system (e.g. a video monitoring system such as shown in Figure 2) for generating video signals at the destination device and including a display device for receiving and displaying video signals at the sending device, the video camera system enabling a sender at a sending device to observe users attempting to read or play information package content at a destination device.

The Examiner, in the Final Rejection issued February 24, 2004 had rejected Claim 16 (and Claim 37 dependent upon Claim 24) under 35 U.S.C. §103(a) grounds, as allegedly being unpatentable over Schneck. In this supplemental response, Applicants hereby cancel

Claims 16 and 37 and incorporate the subject matter thereof in each of respective independent Claims 1 and 24. Further, independent Claim 41 is being amended to set forth the identical subject matter added to Claim 24.

The present invention, as now set forth in amended Claims 1, 24 and 41 is directed to a system and method for controlling access to electronic information packages including e-mail messages communicated from a sending device to a receiving device at one or more destination locations. The system and method includes determining fulfillment of one or more certain conditions at the destination location; and, implementing control in response to detection of a fulfilled one or more certain conditions to enable access to content provided in a communicated package. One of the fulfillment conditions is identification/verification of the intended recipient at the destination location who will be accessing the e-mail (electronic package). According to the invention, as claimed, a passive verification system is employed that enables a sender to verify users attempting to access the e-mail, for example, by video or television monitoring of the users at the destination point. Such passive detection for detecting a user includes: a video monitoring system for generating video signals of users attempting to read or play information package content at the destination device and, a video monitoring system display device at the sending device for receiving and displaying said video signals, the video monitoring system enabling a sender at a sending device to identify an intended recipient by visual observation via the monitoring system display device; and, a control means responsive to detection of a fulfilled one or more certain conditions for enabling access to content provided in a communicated package, whereby access includes enabling the intended recipient to perform an operation on said package content at said destination location.

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Applicants take this opportunity to clarify the inventive feature in each of independent Claims 1, 24 and 41 by amending them to set forth the video monitoring system (e.g., video camera system) for generating video signals of users attempting to read or play information package content at the destination device and, a video monitoring system display device at the sending device for receiving and displaying the video signals and, method steps for enabling a sender to visually observe users attempting to read or play information package content and identify the user by visual observation of users via the video monitoring system display device. The amendments to these claims have necessitated corresponding cancellations to Claims 16 and 37. It is noted that the recitation of a video monitoring system is supported in the specification (See Page 12, lines 9-13 and Figure 1 and 2) and, respectfully, no new matter is being entered by this amendment.

The e-mail access control system of the invention providing a means at the sender location for enabling a sender to visually observe via the video monitoring system display device users at a destination location attempting to read or play information package content and identify the user by visual observation of users via the video monitoring system display device is neither taught nor contemplated by Schneck reference which only teaches electronic means at the destination device for verifying/authenticating user access to packaged data. Contrarily, in the present invention, a fulfillment condition includes sender identification of the user, e.g., by visual observation via the video monitoring system at the sender location.

While the Examiner alleged that dependent Claim 16 is obvious over Schenk, applicants respectfully disagree. Amended Claims 1, 24 and 41 now incorporating subject matter of canceled Claims 16 (and Claim 37) setting forth the video monitoring means for enabling a sender to visually observe users at a destination location attempting to read or play

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information package content and to identify the intended recipient by visual observation of users via the video monitoring system display device is neither taught nor contemplated by Schneck reference. While the Examiner, in support of the rejection, cited Schneck at Col. 8, lines 21-27, the indicated passage describes a tamper proof mechanism including encrypting output digital signals or scrambling analog signals, thus requiring the provision of decryption or unscrambling capability in the output device (which may include a standalone device such as a television, VCR and the like. The cited passage does not teach nor describe the video monitoring mechanism as now claimed in amended Claims 1, 24 or 41 incorporating subject matter of canceled Claims 16 (and Claim 37) directed to means at the sender location for enabling a sender to visually observe via the video monitoring system display device users at a destination location attempting to read or play information package content, much less identifying the intended recipient, nor is this suggested or contemplated by Schneck reference. That is, while Schneck describes an "access" mechanism that connects with a display or output devices (e.g., VCR device), this is not the same as enabling a sender to control user access in the first instance, by a visual observation at the user's (destination) location via the video monitoring system display device. Thus, it is respectfully submitted that Schneck's use of VCR, video display or TV monitor devices in connection with an "access mechanism" is not suggestive of identification by visual observation as in the present invention. Schneck's use of use of VCR, video display or TV monitor devices is such that these devices become equipped to enable decryption of signals received as per a particular access mechanism, rule, or permission. That is, in Schneck, authentication and access is only performed by electronic means, e.g., access rules in encrypted form encoded therewith.

As Schneck does not teach the mechanism or method step for enabling the sender of the electronic information package to visually observe a person that requests to read or access

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content information at destination via a video monitoring system as now set forth in amended Claims 1, 24 and 41, it is respectfully requested that the Examiner withdraw the rejections of Claims 1, 24 and 41 as being anticipated by Schneck. Respectfully, it is further requested that the Examiner withdraw the rejection of all claims on both §102 and §103 grounds, that are dependent upon these amended claims.

In view of the foregoing remarks herein, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance be issued. If the Examiner believes that a telephone conference with the Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned, Applicants' attorney, at the following telephone number: (516) 742-4343.

Respectfully submitted,



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